



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,691	06/26/2003	Robert F. Henrick	100.2494	5375
27997 7590 07/09/2007 PRIEST & GOLDSTEIN PLLC 5015 SOUTHPARK DRIVE SUITE 230 DURHAM, NC 27713-7736			EXAMINER NGUYEN, KHAI MINH	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 07/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/606,691	Applicant(s) HENRICK, ROBERT F.	
	Examiner Khai M. Nguyen	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-28 and 33-39 is/are allowed.
- 6) ☒ Claim(s) 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 22-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki et al. (U.S.Pat-5933478) in view of Hirose et al. (U.S.Pat-5347646).

Regarding claim 29, Ozaki teaches a method of remotely programming a portable information device (fig.2, handheld terminal device 100, col.8, lines 17-42), said device operating to wirelessly communicate in a cellular telephone system (fig.1, handheld terminal device 100, host computer 110, and base stations 130 and 140, col.7, line 61 to col.8, line 6), the method comprising:

connecting to a communication path established between (fig.1, handheld terminal device 100, host computer 110, and base stations 130 and 140, col.7, line 61 to col.8, line 6) a personal computer (fig.1, host computer 110) and said device (fig.1-2, handheld terminal device 100), said communication path including a portion comprising a wireless communication path in a cellular telephone system (fig.1, handheld terminal device 100, host computer 110, base stations 130 and 140, col.8, lines 17-42); and

receiving said digital information from the personal computer over the wireless communication path after said device is configured to receive said information (fig.1-2, and 12, col.11, line 52 to col.12, line 23).

Ozaki fails to specifically disclose configuring said device in a receive mode for receiving digital information. However, Hirsosawa teaches configuring said device in a receive mode for receiving digital information (col.7, lines 26-36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hirsosawa to Ozaki to provide a control system which is capable of deciding whether a person attempting operation of the computer system from a remote location by way of a public telephone is an authorized user or not.

Regarding claim 30, Ozaki and Hirsosawa further teach the method of claim 29 further comprising:

storing the received digital information into a memory (see Ozaki, fig.2, storage 104, col.8, lines 29-31, col.9, lines 30-33).

Regarding claim 31, Ozaki and Hirsosawa further teach the method of claim 29 wherein said digital information includes a personalized directory of telephone numbers (see Ozaki, fig.4, and 7, col.9, lines 11-32).

Regarding claim 32, Ozaki and Hirsosawa further teach the method of claim 31 wherein said personalized directory includes a name associated with each of said telephone numbers (see Ozaki, fig.4, and 7, col.9, lines 11-32).

Allowable Subject Matter

3. Claims 22-28 and 33-39 are allowed.

The following is a statement of reason for the indication of allowance: As the applicant stated in the remarks of the amendment filed on 5/10/2007 and 7/11/2006.

Applicant's independent claims 22 and 23: The present invention is directed to a portable information device, the independent claim identifies the patentably distinct feature "configuring means for placing said device in a receive mode for receiving said digital information from the personal computer over said wireless communication path, said communication means receiving said device information from the personal computer after said device is configured by said configuring means to receive said digital information, said communication means storing received digital information into said memory". Applicant's independent claims 22 and 33 comprise a particular combination of elements, which is neither taught nor-suggested by prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

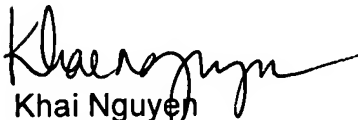
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571.272.7915. The fax phone


Art Unit: 2617

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Khai Nguyen
Au: 2617

6/20/2007


CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER